

NAKURU COUNTY ASSEMBLY
NAKURU COUNTY OUTDOOR ADVERTISING BILL, 2014
ARRANGEMENT OF CLAUSES

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A Bill for

AN ACT of Nakuru County Assembly to provide for regulation on permits, fees and fines for advertisements and for related purposes

ENACTED by the Nakuru County as follows—

Short title and commencement

1. This Act may be cited as Nakuru County Outdoor Advertisement Act, 2014.

Interpretation

2. In this Act unless the context otherwise requires—

"advertisement" includes any notice, Billboard, poster, picture or any other printed or written advertisement matter;

"advertising device" includes any board, framework, screen, signboard, flag, banner, or lamp or neon signs or any other fixture or device used or constructed for the purpose of advertisement;

"Department" means-the DIRECTORATE OF URBAN PLANNING AND DEVELOPMENT;

"permits" means a permit issued under the provisions of this Act; and

"DIRECTOR" means the person for the time being holding the office of the Director to the DIRECTORATE OF URBAN PLANNING AND DEVELOPMENT and includes his deputy and any other officer of the Department authorized by the DIRECTOR in writing for purpose of this Act.

Offences

3. A person who, in any street or public place, erects, fixes, places, maintains, displays or uses or permits to be erected, fixed, placed, maintained, displayed or used, any advertising device without first obtaining a permit, or otherwise than in accordance with the terms and conditions of such a permit commits an offence and shall be guilty upon conviction to a fine not exceeding five hundred thousand shillings or to an imprisonment term not exceeding one year.

Application and revocation of permit

4. (1) A person may apply for a permit made in writing to the DIRECTORATE and shall be accompanied by a plan or sketch showing, to the satisfaction of the

DIRECTORORATE, the position of the proposed advertising device or notice, its dimensions and the method of execution, and stating the material of which it is to be constructed, its colour and such other information as the Department may require.

(2) The Department may refuse a permit in any case where, in its opinion, the display of an advertisement or the use of an advertising device would be likely to effect injuries to the amenities of, or to disfigure any neighbouring, or for any other reason it may think proper, or may grant a permit subject to such terms and conditions relating to the construction, nature and erection of advertising device as it deems fit.

Department fee 5. There shall be paid to the Department in respect of every permit issued under this Act such fees as may be determined by the Department from time to time.

Expiration of permit 6. (1) A permit issued under this Act shall expire upon lapse request period and shall be removed after one week.

(2) A person who fails to comply with subsection (1) commits an offence.

Cancellation of permit 7. The Department may at any time by Notice to the holder, cancel a permit for—

(a) contravention of any of the terms and conditions thereof or any of the provision of this Act; or

(b) Where in its opinion the continued discipline of any advertisement or use of any advertising device would be likely to injure the amenities of, or to disfigure, any neighborhood, or for any other reason it may deems fit.

(c) Before cancellation of a permit, the holder shall be given one week notice to rectify the advertisement contemplated in clause 7(b).

Producing of permit on request. 8. (1) A person who is granted a permit under this Act shall on demand at any reasonable time produce such as permits to the DIRECTOR or to any other person whom any written law vests functions of the maintenance of law and order.

(2) A person who contravenes or fails to comply with the

provisions of this commits an offence.

Removal of advertisement.

9. The DIRECTOR may without notice cause to be removed or put down and disposed of any advertising device erected, fixed, placed, maintained, displayed or used in contravention of this Act.

Limitation of this Act.

10. This Act shall not apply to—

(a) public notices exhibited at places of public worship or hospitals;

(b) advertisements within the windows and doors of premises indicating the name and business of the person occupying such premises;

General penalty

11. A person who is guilty of an offence under the provisions of this Act where no penalty has been specified shall be liable upon conviction

(a) in the case of a first offence, to a fine not exceeding one hundred thousand shillings or to an imprisonment term not exceeding six months, or to both; or

(b) in the case of a second or subsequent conviction, to a fine not exceeding one hundred thousand shillings, or to imprisonment for a term not exceeding two years, or to both.

MEMORANDUM OF OBJECTS AND REASONS

This Bill provides for a legislative framework for outdoor advertising in Nakuru County.

The Bill provides for the following provisions; short title, interpretation, offences, application and revocation of Permit, department fee, expiration of Permit, cancellation of Permit, producing of permit on request, removal of advertisement, limitation of this Act and general penalty.

Dated the 15th April 2014

HON. MICHAEL WANGOMBE NGESHU

Chairperson Trade, Tourism and Co-operatives Committee